BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

THOMAS YUN, dba MR. K. TAXI & TOUR

DOCKET NO. 04-0020

For Extension of Motor Carrier Certificate.

DECISION AND ORDER NO. 20939

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DEPT. OF CONTINUE AND C

Filed April 30, 2004
At 8:00 o'clock A .M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission State of Hawaii.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

DECISION AND ORDER

I.

Application to Extend Common Carrier Authority

THOMAS YUN, dba MR. K. TAXI & TOUR ("Applicant"), is a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 17 passengers. On January 21, 2004, Applicant filed an application seeking commission approval to extend his authority under certificate of public convenience and necessity 1547-C ("Certificate No. 1547-C") by removing number 17-passenger seat limitation in the 8-to-25 classification. Applicant represents that if his authority is extended as requested, he can meet customer demand for motor vehicles with a larger seating capacity.

Applicant served copies of the application on the Hawaii Transportation Association and the Hawaii State Certified Common Carriers Association, Inc., which consist of carriers that may be affected by Applicant's proposed service, and on the Division of

Consumer Advocacy, Department of Commerce and Consumer Affairs ("Consumer Advocate"). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

II.

Findings and Conclusions

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for an extension of his authority should be granted.

III.

Orders

THE COMMISSION ORDERS:

- 1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification.
- 2. Applicant shall surrender Certificate No. 1547-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.
- 3. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but

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not limited to, filing a lawful tariff and filing the appropriate insurance documents.

- 4. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.
- 5. Applicant shall not commence operations utilizing motor vehicles with a seating capacity greater than 17 passengers until he has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 30th day of April, 2004.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P Caliboso Chairman

Wayne H. Kimura, Commissioner

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone Commission Counsel

04-0020.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 20939</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

THOMAS YUN, dba MR. K. TAXI & TOUR 2170 Kuhio Avenue, #999 Honolulu, HI 96815

Karen Higashi

DATED: April 30, 2004